IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.14639 of 2007

TUESDAY, THE TENTH DAY OF JULY TWO THOUSAND AND SEVEN

Between:

Kambhala Adi Laxmi, W/o. Narasimha Rao, Hindu, female, aged 58 years, Tallarevu Village, Tallarevu Mandal, East Godavari District.

… Petitioner

And

The Land Acquisition Officer, Revenue Divisional Officer, Kakinada, East Godavari District, and another.

… Respondents

Order:

This writ petition has been filed seeking Mandamus to declare the notification dated 28-06-2007, issued by the second respondent in proceedings Rf.G2/3920/2007, under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') as illegal and arbitrary.

Heard learned counsel for the petitioner and learned

Government Pleader for Land Acquisition appearing for the respondents.

Petitioner claims to be the owner and possessor of the land admeasuring Ac.1.17 cents in S.No.416/3A in Tallarevu Village and Mandal, East Godavari District. The said land, along with some other lands, has been notified for acquisition by the impugned notification for the purpose of providing house sites to weaker sections under a scheme called 'Indiramma Pathakam'.

The only ground on which the said notification is questioned is that petitioner is a small farmer and does not own any other land except the land in question. The case of the petitioner is that though there are other lands available in the village, which are suitable for providing house sites to weaker sections, she is being deprived of her land. It is stated that petitioner has submitted representation dated 05-07-2007 to the Mandal Revenue Officer, Tallarevu Mandal, aggrieved by the proposed acquisition.

A reading of the impugned notification makes it clear that enquiry as contemplated under Section 5-A of the Act is not dispensed with. Whether the petitioner is a small farmer or not would come to light only after enquiry is conducted. I do not find any valid grounds to interdict the proceedings at this stage.

As much as the petitioner has submitted representation dated 05-07-2007, raising objections, I dispose of the writ petition directing the respondents to consider the objections of the petitioner in the enquiry contemplated under Section 5-A of the Act and pass appropriate orders. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

July 10, 2007
MRR